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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,188	11/17/2003	Jin Li	M4065.0978/P978	9559
45374 7590 02/11/2008 DICKSTEIN SHAPIRO LLP 1825 EYE STREET, NW WASHINGTON, DC 20006				
EXAMINER				
OLSEN, ALLAN W				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
02/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/713,188

Applicant(s)

LI, JIN

Examiner

Allan Olsen

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 and 61-66 is/are pending in the application.
- 4a) Of the above claim(s) 5, 7-26 and 28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38-54 and 61-66 is/are allowed.
- 6) ☒ Claim(s) 1-4, 27 and 29-36 is/are rejected.
- 7) ☒ Claim(s) 6 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-949)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Claims 5, 7-26 and 28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the election requirement in the reply filed on.

Claims 42-45 and 47 are no longer withdrawn from consideration as they are dependent upon an allowed claim.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-4, 27, 29-33, 35, 36, rejected under 35 U.S.C. 102(a) as being anticipated by EP 1 329 432 A1 (hereinafter, Tsunetomo).

Tsunetomo teaches forming a mold for micro-lenses by etching a multilayered substrate wherein the different layers have differing etch rates. Tsunetomo teaches using a first etchant to etch a first layer ([0063]). Tsunetomo teaches using a second etchant to etch the first layer and the substrate ([0064]). Tsunetomo teaches adding a lens material in the mold to form the micro-lens ([0021]). Tsunetomo teaches depositing a resist material on the first layer. Tsunetomo teaches patterning openings in the resist material to the first layer then etching the first layer to extend the openings to the substrate; and removing the resist material ([0062] and figure 9). Tsunetomo teaches that the etching can be a dry etching process ([0050]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunetomo, as applied to claim 1 above, in view of US Patent 5,708,493 issued to Ahsbahs et al. (hereinafter, Ahsbahs).

Tsunetomo does not teach forming inorganic lenses by filling the mold with inorganic lens material.

Ahsbahs teaches that the molding technique is used to create lenses made from both organic and inorganic materials (column 8, lines 38-39).

It would have been obvious to one skilled in the art to use the mold of Tsunetomo to make inorganic lenses because Ahsbahs teaches that molding may be used to make inorganic lenses, which are known to be more scratch resistant than their organic counterpart. Also, because Tsunetomo's mold is made from inorganic material it could withstand the processing conditions used for inorganic lenses.

Response to Arguments

Applicant's arguments filed October 17, 2007 have been fully considered but they are mute in view of the new ground of rejection. The previous Office action rejects

independent claim 1 under 35 USC 103. The previous rejection and applicant's argument were based upon the notion that Tsunetomo does not teach using a first and second etchant. However, upon further consideration, and as noted in the above rejection, Tsunetomo does teach using a first and second etchant (see: [0064] – [0064]).

Regarding claim 3, applicant argues Tsunetomo does not teach or suggest "etching the first layer to extend the openings to the substrate; and removing the resist material." In support thereof, applicant cites figures 8D and 8E. The examiner too relies on figures 8E and 8D as evidence that Tsunetomo teaches etching the first layer (28) to extend the opening to the substrate, 26, as shown in figure 8D. Tsunetomo teaches removing the resist material (figs. 8E, F).

Allowable Subject Matter

Claims 38-54 and 61-66 are allowed.

Claims 6 and 37 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Olsen whose telephone number is 571-272-1441. The examiner can normally be reached on M, W and F: 1-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571-272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Allan Olsen/
Primary Examiner, Art Unit 1792